

Montana Water Court
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40A-0460-R-2021

December 8, 2021

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
MUSSELSHELL RIVER ABOVE ROUNDUP (BASIN 40A)
PRELIMINARY DECREE

CLAIMANT: United States of America (Department of
Agriculture Forest Service)

CASE 40A-0460-R-2021

40A 57301-00
40A 57321-00
40A 57342-00
40A 57343-00
40A 57344-00
40A 57345-00
40A 57376-00
40A 57389-00
40A 57390-00
40A 57403-00
40A 57404-00
40A 57455-00
40A 57464-00
40A 57470-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusion of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy

of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

The above-captioned claims appeared in the Preliminary Decree for the Musselshell River above Roundup (Basin 40A) issued on June 7, 2017. The claims are owned by the United States Department of Agriculture, Forest Service (Forest Service). The claims did not receive objections, counterobjections, or notices of intent to appear but did receive issue remarks during the DNRC's claims reexamination.

FINDINGS OF FACT

40A 57301-00

1. Claim 40A 57301-00 is a stock claim from Harris Spring. The claim appeared in the Basin 40A Preliminary Decree with Harris Spring as a groundwater source and the means of diversion as livestock direct from source. The claim appeared with the following issue remark:

BASED ON INFORMATION SUBMITTED TO THE LEWISTOWN REGIONAL OFFICE ON 09/07/2016 IT APPEARS THE SOURCE TYPE FOR THIS CLAIM IS SURFACE WATER RATHER THAN GROUND WATER.

2. On October 1, 2021, the Forest Service provided additional information supporting its requested source type modification.

3. Based on the information provided by the Forest Service, the groundwater source type for claim 40A 57301-00 is a clerical error. Claims 40A 57301-00 and 40A 57399-00¹ share Harris Spring as their source. Claim 40A 57399-00 is for groundwater, while 40A 57301-00 is for surface water that overflows Harris Spring and continues as surface water down the channel as an unnamed tributary of Checkerboard Creek.

¹ Claim 40A 57399-00 is not part of this Case.

40A 57321-00

4. Claim 40A 57321-00 is a stock claim for an onstream reservoir. During preparation of the Basin 40A Preliminary Decree, the DNRC modified the point of diversion and reservoir record as follows:

<u>ID</u>	<u>Govt Lot</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		<u>SWNENE</u>	29	9N	9E	Meagher
		<u>NWSE</u>				

5. The claim received an issue remark stating that the place of use needs the same correction that was applied to the point of diversion and reservoir record.

6. The Forest Service's October 1, 2021, filing confirms the DNRC's proposed modification to the place of use is historically accurate.

7. Claim 40A 57321-00 also received the following issue remark:

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON HAYMAKER CREEK WITH A PRIORITY DATE PREDATING CASE NO. 3432, WHEATLAND COUNTY.

8. There is no evidence before the court to establish that the priority date of claim 40A 57321-00 is incorrect. The only evidence before the Court calling the priority date into question is the existence of the old decree (Case No. 3432) and the issue remark that appeared on the claim.

40A 57342-00

9. Claim 40A 57342-00 was decreed as a stock claim that diverts water from Haymaker Creek in Government Lot 2 in the SESWNW of Section 7, T10N, R13E, Wheatland County. The claim was decreed with the place of use as being in the SWSENW of Section 7, T10N, R13E, Wheatland County.

10. The claim received the following issue remarks:

A VERIFIED MOTION TO AMEND WAS SUBMITTED TO THE LEWISTOWN REGIONAL OFFICE ON 05/18/2017. IT REQUESTED TO AMEND THE PLACE OF USE TO MATCH THE DNRC CORRECTIONS MADE TO THIS CLAIM'S POINT OF DIVERSION AND RESERVOIR RECORD.
THE PLACE OF USE APPEARS TO BE INCORRECT. THE PLACE OF USE APPEARS TO BE IN GOVT LOT 2 IN THE SESWNW SEC 7 TWP 10N RGE 13E WHEATLAND CO.

11. The claim also received the following issue remark:

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON HAYMAKER CREEK WITH A PRIORITY DATE PREDATING CASE NO. 3432, WHEATLAND COUNTY.

12. There is no evidence before the court to establish that the priority date of claim 40A 57342-00 is incorrect. The only evidence before the Court calling the priority

date into question is the existence of the old decree (Case No. 3432) and the issue remark that appeared on the claim.

40A 57343-00

13. Claim 40A 57343-00 is a stock claim for Middle Fork Reservoir. During preparation of the Basin 40A Preliminary Decree, the DNRC modified the point of diversion and reservoir record as follows:

<u>ID</u>	<u>Govt Lot</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESWSE	4	10N	13E	Wheatland
		<u>N2S2</u>				

14. The claim received an issue remark stating that the place of use needs the same correction that was applied to the point of diversion and reservoir record

15. The Forest Service's October 1, 2021, filing confirms the DNRC's proposed modification to the place of use is historically accurate.

40A 57344-00

16. Claim 40A 57344-00 is a stockwater claim for Thorsens Pond. During preparation of the Basin 40A Preliminary Decree, the DNRC added a reservoir record to the claim and estimated the capacity, maximum depth, and surface area of the pond. The claim received an issue remark stating that because the claim is for a natural lake, a reservoir record is not needed. The reservoir record should be removed from the claim.

40A 57345-00

17. Claim 40A 57345-00 is a stock claim for Coates Pond. During preparation of the Basin 40A Preliminary Decree, the DNRC modified the point of diversion as follows:

<u>ID</u>	<u>Govt Lot</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESE	21	9N	9E	Meagher
		<u>SESENE</u>				

18. The claim received an issue remark stating that the place of use needs the same correction that was applied to the point of diversion and reservoir record.

19. The Forest Service's October 1, 2021, filing confirms the DNRC's proposed modification to the place of use is historically accurate.

20. Claim 40A 57345-00 also received an issue remark stating that because the claim is for a natural lake, a reservoir record is not needed. The reservoir record should be removed from the claim.

40A 57376-00

21. Claim 40A 57376-00 is a livestock direct from source claim from Daisy Dean Creek. The claim was decreed with six points of diversion. Point of Diversion ID Nos. 1 and 5 appeared with a means of diversion as “unknown.”

22. The claim received an issue remark stating that the means of diversion for Point of Diversion ID Nos. 1 and 5 is “livestock direct from source.”

23. The Forest Service’s October 1, 2021, filing confirms the DNRC’s proposed modification to the means of diversion is historically accurate.

40A 57389-00

24. Claim 40A 57389-00 is a stock claim from Checkerboard Creek. The claim appeared in the Basin 40A Preliminary Decree with the following point of diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWSE	5	9N	9E	Meagher

25. The claim received an issue remark stating that:

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE SESESW SEC 5 TWP 9N RGE 9E MEAGHER COUNTY.

26. The DNRC’s suggested correction to the point of diversion is based on a correction applied to claims 40A 33537-00 and 40A 33538-00 which share a point of diversion with claim 40A 57389-00.

27. The Forest Service’s October 1, 2021, filing confirms the DNRC’s proposed modification to the point of diversion is historically accurate.

40A 57390-00

28. Claim 40A 57390-00 is a stock claim from Checkerboard Creek. The claim appeared in the Basin 40A Preliminary Decree with the following point of diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSESE	5	9N	9E	Meagher

29. The claim received an issue remark stating that:

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE NESESE SEC 5 TWP 9N RGE 9E MEAGHER COUNTY.

30. The DNRC's suggested correction to the point of diversion is based on a correction applied to claim 40A 33537-00 which shares a point of diversion with claim 40A 57390-00.

31. The Forest Service's October 1, 2021, filing confirms the DNRC's proposed modification to the place of use is historically accurate.

40A 57403-00

32. Claim 40A 57403-00 is a stock claim for stock drinking directly from Spring Creek. The claim appeared in the Basin 40A Preliminary Decree with is point of diversion and place of use as:

<u>ID</u>	<u>Govt Lot</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			15	9N	10E	Meagher

33. The claim received the following issue remark:

THE POINT OF DIVERSION/PLACE OF USE IS BROADLY DESCRIBED. BASED ON INFORMATION IN THE CLAIM FILE, THE POINT OF DIVERSION/PLACE OF USE IS LOCATED IN THE E2W2NE SEC 15 TWP 9N RGE 10E MEAGHER CO.

34. The Forest Service's October 1, 2021, filing confirms the DNRC's proposed modifications to the point of diversion and place of use are historically accurate.

40A 57404-00

35. Claim 40A 57404-00 was decreed as a stock claim for an onstream reservoir on the East Fork of Hopley Creek. During preparation of the Basin 40A Preliminary Decree, the DNRC modified the point of diversion as follows:

<u>ID</u>	<u>Govt Lot</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENESE	35	11N	13E	Wheatland
		<u>NESWSW</u>				

36. The claim received an issue remark stating that the place of use needs the same correction that was applied to the point of diversion.

37. The Forest Service's October 1, 2021, filing confirms the DNRC's proposed modification to the place of use is historically accurate

40A 57455-00

38. Claim 40A 57455-00 was decreed as stock claim for livestock drinking directly from an unnamed tributary of Little Careless Creek (also known as Wolf Pond). During preparation of the Basin 40A Preliminary Decree, the DNRC modified the point of diversion as follows:

<u>ID</u>	<u>Govt Lot</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESWNW	15	11N	18E	Fergus
		<u>NENWNW</u>				

39. The claim received an issue remark stating that the place of use needs the same correction that was applied to the point of diversion.

40. The Forest Service's October 1, 2021, filing confirms the DNRC's proposed modification to the place of use is historically accurate.

40A 57464-00

41. Claim 40A 57464-00 was decreed as stock claim for livestock drinking directly from Little Careless Creek. The claim received an issue remark that the source name did not appear to be standardized and that the source is an unnamed tributary of Little Careless Creek.

42. The Forest Service's October 1, 2021, filing confirms the DNRC's proposed modification to the source name is historically accurate.

40A 57470-00

43. Claim 40A 57470-00 was decreed as a livestock direct from source claim for a spring in the SWNWNW of Section 4, T5N, R11E, Meagher County.

44. The claim received an issue remark stating that based on information submitted to the DNRC by the Forest Service, the claimed spring is located in Government Lot 1 in the SENENE of Section 5, T5N, R11E, Meagher County.

45. The Forest Service's October 1, 2021, filing confirms the correction submitted to the DNRC reflects the historically accurate location of the claimed spring.

Notice-Type Issue Remarks

46. The following claims received notice-type issue remarks:

40A 57321-00

SOURCE NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

40A 57342-00 and 40A 57404-00

POINT OF DIVERSION AND RESERVOIR RECORD WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

40A 57343-00 and 40A 57344-00

SOURCE NAME, POINT OF DIVERSION, AND RESERVOIR RECORD WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

40A 57345-00

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

SOURCE NAME AND POINT OF DIVERSION WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

40A 57455-00

POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

47. The issue remarks identify elements modified as a result of DNRC review pursuant to Montana Water Court reexamination orders. The remarks indicate that if no objections are filed, the elements of the claim will remain as they appear on the abstract and the remarks will be removed. None of the claims received objections.

PRINCIPLES OF LAW

1. A properly filed Statement of Claim for an existing water right is *prima facie* proof of its content. Section 85-2-227, MCA; Rule 10, W.R.ADJ.R.

2. *Prima facie* proof may be contradicted and overcome by a preponderance of the evidence. Rule 19, W.R.ADJ.R.

3. A preponderance of the evidence is evidence that shows a fact is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.

4. If prima facie status is overcome, the burden shifts back to the claimant to demonstrate historical use. *79 Ranch v. Pitsch*, 204 Mont. 426, 432-33, 666 P.2d 215, 218 (1983).

5. Section 85-2-248(2), MCA, requires that the Water Court resolve all issue remarks that are not resolved through the objection process. *See also* Rule 7, W.R.Adj.R.

6. The Water Court may use information submitted by the DNRC, the Statement of Claim, and any other data obtained by the Court to evaluate a water right. Sections 85-2-227, -231(2), MCA.

7. When resolving issue remarks, the Water Court must weigh the information resulting in the issue remark and the issue remark against the claimed water right. Section 85-2-247(2), MCA. The factual evidence on which an issue remark is based must meet the preponderance of evidence standard before the prima facie status of a claim is overcome. 43Q 200996-00 et al., Order Establishing Volume and Order Closing Case, at 18, June 8, 2015.

8. If a claimant agrees to reduce or limit a claim, the Water Court may accept the reduction or limitation without reviewing further evidence, unless an unresolved issue remark remains. Rule 17(c), W.R.Adj.R.

9. The Court may correct a clerical mistake found in a judgment, order, or other part of the record on motion or on its own, with or without notice. Rule 60(a), M.R.Civ.P.

CONCLUSIONS OF LAW

40A 57301-00

1. The source type issue remark overcomes the prima facie status of the claim. The information in the claim file combined with the information provided by the Forest Service shows by a preponderance of the evidence that claim 40A 57301-00 is for surface water and the source type should be modified accordingly. This modification resolves the source type issue remark, and the remark should be removed from the claim.

40A 57321-00

2. The place of use issue remark overcomes the prima facie status of the claim. The evidence shows by a preponderance of the evidence that the place of use should be modified to the NWSENE of Section 29, T9N, R9E, Meagher County. The place of use should be modified accordingly. This modification resolves the place of use issue remark, and the remark should be removed from the claim.

3. The priority date issue remark does not overcome the prima facie status of claim 40A 57321-00. There are several possible explanations for why the claimed filed right did not appear in the old decree and there is not sufficient evidence before the Court to indicate the claimed priority date is inaccurate. The priority date of claim 40A 57321-00 should remain as it appeared in the Basin 40A Preliminary Decree, and the priority date remark should be removed.

40A 57342-00

4. The place of use issue remark overcomes the prima facie status of claim 40A 57342-00. The place of use should be modified to Government Lot 2 of the SESWNW of Section 7, T10N, R13E, Wheatland County. This modification resolves the place of use and motion to amend issue remarks, and the issue remarks should be removed from the claim.

5. The priority date issue remark does not overcome the prima facie status of claim 40A 57342-00. There are several possible explanations for why the claimed filed right did not appear in the old decree and there is not sufficient evidence before the Court to indicate the claimed priority date is inaccurate. The priority date of claim 40A 57342-00 should remain as it appeared in the Basin 40A Preliminary Decree, and the priority date remark should be removed.

40A 57343-00

6. The place of use issue remark overcomes the prima facie status of the claim. The evidence shows by a preponderance of the evidence that the place of use should be modified to the N2S2SE of Section 4, T10N, R13E, Wheatland County. The

place of use should be modified accordingly. This modification resolves the place of use issue remark, and the remark should be removed from the claim.

40A 57344-00

7. The reservoir record should be removed from claim 40A 57344-00. This reduction resolves the reservoir record issue remark, and the remark should be removed from the claim.

40A 57345-00

8. The place of use issue remark overcomes the *prima facie* status of the claim. The evidence shows by a preponderance of the evidence that the place of use should be modified to the SESENE of Section 21, T9N, R9E, Meagher County. The place of use should be modified accordingly. This modification resolves the place of use issue remark, and the remark should be removed from the claim.

9. The reservoir record should be removed from claim 40A 57345-00. This reduction resolves the reservoir record issue remark, and the remark should be removed from the claim.

40A 57376-00

10. The means of diversion issue remark overcomes the *prima facie* status of claim 40A 57376-00. The means of diversion for Point of Diversion ID Nos. 1 and 5 should be modified to “livestock direct from source.” These modifications resolve the means of diversion issue remark, and the remark should be removed from the claim.

40A 57389-00

11. The point of diversion issue remark overcomes the *prima facie* status of claim 40A 57389-00. The evidence shows by a preponderance of the evidence that the point of diversion should be modified to the SESESW of Section 5, T9N, R9E, Meagher County. The point of diversion should be modified accordingly. This modification resolves the point of diversion issue remark, and the remark should be removed from the claim.

40A 57390-00

12. The point of diversion issue remark overcomes the prima facie status of claim 40A 57390-00. The evidence shows by a preponderance of the evidence that the point of diversion should be modified to the NESESE of Section 5, T9N, R9E, Meagher County. The point of diversion should be modified accordingly. This modification resolves the point of diversion issue remark, and the remark should be removed from the claim.

40A 57403-00

13. The point of diversion/place of use issue remark overcomes the prima facie status of the claim. The Forest Service confirmed the point of diversion and place of use should be refined to the E2W2NE of Section 15, T9N, R10E, Meagher County. These refinements resolve the point of diversion/place of use issue remark, and the remark should be removed from the claim.

40A 57404-00

14. The place of use issue remark overcomes the prima facie status of the claim. The evidence shows by a preponderance of the evidence that the place of use should be modified to the NESWSW of Section 15, T11N, R13E, Wheatland County. The place of use should be modified accordingly. This modification resolves the place of use issue remark, and the remark should be removed from the claim.

40A 57455-00

15. The place of use issue remark overcomes the prima facie status of the claim. The evidence shows by a preponderance of the evidence that the place of use should be modified to the NENWNW of Section 15, T11N, R18E, Wheatland County. The place of use should be modified accordingly. This modification resolves the place of use issue remark, and the remark should be removed from the claim.

40A 57464-00

16. The source name issue remark overcomes the prima facie status of claim 40A 57464-00. The evidence shows by a preponderance of the evidence that the source name should be modified to an unnamed tributary of Little Careless Creek. This

modification resolves the source name issue remark, and the remark should be removed from the claim.

40A 57470-00

17. The point of diversion/place of use issue remark overcomes the *prima facie* status of claim 40A 57470-00. The evidence shows by a preponderance of the evidence that the point of diversion and place of use should be modified to Government Lot 1 in the SENENE of Section 5, T5N, R11E, Meagher County. These modifications resolve the point of diversion/place of use issue remark, and the remark should be removed from the claim.

Notice-Type Issue Remarks

18. Each remark in Finding of Fact No. 46 provides notice of the changes made after completion of the Temporary Preliminary Decree proceedings and prior to issuance of the Preliminary Decree. The remarks do not raise unresolved issues that need to be addressed. No proceedings are required to resolve the remarks; the remarks should be removed from the abstracts.

RECOMMENDATIONS

Based on the foregoing Findings of Fact and Conclusions of Law, this Master recommends that the Court adopt the changes as outlined above.

A post decree abstract of each water right claim reflecting the recommended changes are attached to this Report.

Melissa Lockman
Senior Water Master

Service via USPS Mail

USA (Dept of Agriculture Forest Service)
Water Rights Program Manager,
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26 Fort Missoula Rd
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WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A

Water Right Number: **40A 57301-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: JUNE 30, 1905

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: HARRIS SPRING

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWNWSE	13	9N	8E	MEAGHER

Period of Diversion: JUNE 1 TO OCTOBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JUNE 1 TO OCTOBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			SWNWSE	13	9N	8E	MEAGHER

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A

Water Right Number: **40A 57321-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: JUNE 1, 1905

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: UNNAMED TRIBUTARY OF FLAGSTAFF CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS FLAGSTAFF CREEK, DRY FORK

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr	Sec	Twp	Rge	County
1		NWSENE	29	9N	9E	MEAGHER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

Govt Lot	Qtr	Sec	Twp	Rge	County
	NWSENE	29	9N	9E	MEAGHER

Diversion to Reservoir: DIVERSION # 1

Capacity: 3.00 ACRE-FEET

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr	Sec	Twp	Rge	County
1			NWSENE	29	9N	9E	MEAGHER

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A

Water Right Number: **40A 57342-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: AUGUST 16, 1902

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: HAYMAKER CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	2	SESWNW	7	10N	13E	WHEATLAND

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM **Reservoir Name:** HAYMAKER DAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
2	SESWNW	7	10N	13E	WHEATLAND

Diversion to Reservoir: DIVERSION # 1

Dam Height: 15.00 FEET

Depth: 7.00 FEET

Surface Area: 1.10 ACRES

Capacity: 3.10 ACRE-FEET

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		2	SESWNW	7	10N	13E	WHEATLAND

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A

Water Right Number: **40A 57343-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: JUNE 1, 1905

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: HOPELY CREEK, MIDDLE FORK

Source Type: SURFACE WATER

THE SOURCE INCLUDES AN UNNAMED TRIBUTARY OF HOPELY CREEK, MIDDLE FORK.

Point of Diversion and Means of Diversion:

ID	Govt Lot	Otr Sec	Sec	Twp	Rge	County	
1		N2S2SE		4	10N	13E	WHEATLAND

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM **Reservoir Name:** MIDDLE FORK RESERVOIR

Govt Lot	Otr Sec	Sec	Twp	Rge	County	
	N2S2SE		4	10N	13E	WHEATLAND

Diversion to Reservoir: DIVERSION # 1

Capacity: 0.50 ACRE-FEET

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Otr Sec	Sec	Twp	Rge	County	
1			N2S2SE		4	10N	13E	WHEATLAND

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A

Water Right Number: **40A 57344-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: JUNE 1, 1905

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: UNNAMED TRIBUTARY OF FLAGSTAFF CREEK, DRY FORK

Source Type: SURFACE WATER

ALSO KNOWN AS THORSENS POND

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	NWNENW		20	9N	9E	MEAGHER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JUNE 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNENW		20	9N	9E	MEAGHER

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A

Water Right Number: **40A 57345-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: JUNE 1, 1905

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: UNNAMED TRIBUTARY OF FLAGSTAFF CREEK, DRY FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Otr Sec	Sec	Twp	Rge	County
1		SESENE	21	9N	9E	MEAGHER

Period of Diversion: JUNE 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JUNE 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Otr Sec	Sec	Twp	Rge	County
1			SESENE	21	9N	9E	MEAGHER

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A

Water Right Number: **40A 57376-00** STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: AUGUST 16, 1902

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

***Source Name:** DAISY DEAN CREEK
Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

ID	Govt Lot	Qtr	Sec	Twp	Rge	County
		SW	10	10N	11E	
1						MEAGHER
	Period of Diversion:	JUNE 1 TO OCTOBER 31				
	Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
2		N2NW	15	10N	11E	MEAGHER
	Period of Diversion:	JUNE 1 TO OCTOBER 31				
	Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
3		W2SWNW	15	10N	11E	MEAGHER
	Period of Diversion:	JUNE 1 TO OCTOBER 31				
	Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
4		NE	16	10N	11E	MEAGHER
	Period of Diversion:	JUNE 1 TO OCTOBER 31				
	Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
5		N2S2	16	10N	11E	MEAGHER
	Period of Diversion:	JUNE 1 TO OCTOBER 31				
	Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				

6 7 16 10N 11E MEAGHER

Period of Diversion: JUNE 1 TO OCTOBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JUNE 1 TO OCTOBER 31

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SW	10	10N	11E	MEAGHER
2			N2NW	15	10N	11E	MEAGHER
3			W2SWNW	15	10N	11E	MEAGHER
4			NE	16	10N	11E	MEAGHER
5			N2S2	16	10N	11E	MEAGHER
6	7			16	10N	11E	MEAGHER

THE POINTS OF DIVERSION AND PLACES OF USE DO NOT INCLUDE THE
PORTION OF HOMESTEAD ENTRY SURVEY NO. 1034 THAT LIES WITHIN THE
LEGAL LAND DESCRIPTION OF THIS RIGHT.

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A

Water Right Number: **40A 57389-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: JUNE 1, 1905

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

***Source Name:** CHECKERBOARD CREEK

Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SESESW	5	9N	9E	MEAGHER

Period of Diversion: JUNE 1 TO OCTOBER 31

Diversion Means: DITCH

Period of Use: JUNE 1 TO OCTOBER 31

***Place of Use:**

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			SW	4	9N	9E	MEAGHER
2			SE	5	9N	9E	MEAGHER

THE PLACES OF USE DO NOT INCLUDE THAT PORTION OF HOMESTEAD ENTRY SURVEY NO. 394 THAT LIES WITHIN THE LEGAL LAND DESCRIPTION OF THIS RIGHT.

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A

Water Right Number: **40A 57390-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: JUNE 1, 1905

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

***Source Name:** CHECKERBOARD CREEK

Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NESESE	5	9N	9E	MEAGHER

Period of Diversion: JUNE 1 TO OCTOBER 31

Diversion Means: DITCH

Period of Use: JUNE 1 TO OCTOBER 31

***Place of Use:**

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			SW	4	9N	9E	MEAGHER
2			N2SESE	5	9N	9E	MEAGHER

THE PLACES OF USE DO NOT INCLUDE THAT PORTION OF HOMESTEAD ENTRY SURVEY NO.394 THAT LIES WITHIN THE LEGAL LAND DESCRIPTION OF THIS RIGHT.

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A

Water Right Number: **40A 57403-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: JUNE 1, 1900

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

***Source Name:** SPRING CREEK

Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

ID	Govt Lot	Qtr	Sec	Twp	Rge	County
1		E2W2NE	15	9N	10E	MEAGHER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

***Place of Use:**

ID	Acres	Govt Lot	Qtr	Sec	Twp	Rge	County
1			E2W2NE	15	9N	10E	MEAGHER

THE POINT OF DIVERSION AND PLACE OF USE OF THIS RIGHT INCLUDES ONLY THE TRACT IDENTIFIED IN BOOK 30 OF DEEDS PAGE 599, AND BOOK 27 OF DEEDS PAGE 346, RECORDS OF MEAGHER COUNTY.

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A

Water Right Number: **40A 57404-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: AUGUST 1, 1926

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: HOPELY CREEK, EAST FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESWSW	36	11N	13E	WHEATLAND

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESWSW	36	11N	13E	WHEATLAND

Diversion to Reservoir: DIVERSION # 1

Capacity: 10.00 ACRE-FEET

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NESWSW	35	11N	13E	WHEATLAND

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A

Water Right Number: **40A 57455-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: JUNE 1, 1905

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: UNNAMED TRIBUTARY OF LITTLE CARELESS CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS WOLF POND

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	NENWNW		15	11N	18E	FERGUS

Period of Diversion: JUNE 1 TO OCTOBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JUNE 1 TO OCTOBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENWNW		15	11N	18E	FERGUS

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A

Water Right Number: **40A 57464-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: JUNE 1, 1905

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

***Source Name:** UNNAMED TRIBUTARY OF LITTLE CARELESS CREEK

Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		W2	10	11N	18E	FERGUS

Period of Diversion: JUNE 1 TO OCTOBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		NW	15	11N	18E	FERGUS
---	--	----	----	-----	-----	--------

Period of Diversion: JUNE 1 TO OCTOBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

3		N2SW	15	11N	18E	FERGUS
---	--	------	----	-----	-----	--------

Period of Diversion: JUNE 1 TO OCTOBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JUNE 1 TO OCTOBER 31

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			W2	10	11N	18E	FERGUS
2			NW	15	11N	18E	FERGUS
3			N2SW	15	11N	18E	FERGUS

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A

Water Right Number: **40A 57470-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: JUNE 1, 1905

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF LOCO CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Otr Sec	Sec	Twp	Rge	County
1	1	SENENE	5	5N	11E	MEAGHER

Period of Diversion: JUNE 1 TO OCTOBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JUNE 1 TO OCTOBER 31

Place of Use:

ID	Acres	Govt Lot	Otr Sec	Sec	Twp	Rge	County
1		1	SENENE	5	5N	11E	MEAGHER